

SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

Allowable subject matter

Applicants acknowledge that claims 35, 38-43, 46-51, and 54-58 are allowed over the prior art.

Claims 35, 38-43, 46-51, and 54-58 are rejected for non-statutory double patenting

The Office Action rejected claims 35, 38-43, 46-51, and 54-58 on the grounds of non-statutory obviousness-type double patenting, specifically stating that claims 35, 38-43, 46-51, and 54-58 are unpatentable over claims 1-35 of U.S. Patent No. 7,487,513 ('513 Patent).

In accordance with the Examiner's recommendation, Applicants respectfully submit concurrently herewith a terminal disclaimer to overcome the non-statutory double patenting rejection.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 35, 38-43, 46-51, and 54-58.

CONCLUSION

Given the above remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

/Gregory D. Caldwell/
Gregory D. Caldwell
Registration No. 39,926
Attorney for Applicants

Date: June 16, 2009

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone: (503) 439-8778
Facsimile: (503) 439-6073